

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER WILLIAM HARRIS,

Plaintiff(s),

v.

LISA COMBS, et al.,

Defendant(s).

CASE NO. C23-0988-KKE

ORDER REVOKING *IN FORMA*
PAUPERIS STATUS

This matter comes before the Court on a limited referral from the Ninth Circuit. Dkt. No. 43. Plaintiff Christopher William Harris previously filed a notice of appeal (Dkt. No. 38) after the Court dismissed his complaint (Dkt. No. 35), and the Ninth Circuit referred the matter back to this Court “for the limited purpose of determining whether [Harris’s] *in forma pauperis* status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.” Dkt. No. 43. For the reasons explained herein, the Court finds that Harris’s appeal is frivolous and therefore his *in forma pauperis* status should be revoked on appeal.

An appeal brought in good faith must request review of “at least one issue or claim” that is “non-frivolous.” *See Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). A frivolous claim “lacks an arguable basis either in law or in fact.” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989).

1 Harris's notice of appeal raises the same arguments and contentions raised in the complaint
2 that the Court previously dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii). *Compare* Dkt. No. 35
3 *with* Dkt. No. 38. The Court's order dismissed Plaintiff's complaint for failure to state a claim and
4 declined to grant Plaintiff's request for service by the United States Marshal Service. *See* Dkt. No.
5 35. The Court found that Plaintiff's complaint failed to state valid claims against the probation
6 officers and prosecutor in an unrelated federal criminal case, and that no amendment could cure
7 the deficiencies. *See id.* The Court's order thus indicated that Plaintiff's claims lack an arguable
8 basis either in law or in fact, and that suggestion would apply with equal force to Plaintiff's appeal
9 reiterating the same arguments. *See* Dkt. No. 38.

10 Accordingly, the Court finds that Harris's appeal does not raise at least one non-frivolous
11 claim and ORDERS that his *in forma pauperis* status be revoked on appeal.

12 Dated this 9th day of February, 2024.

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15 Kimberly K. Evanson
16 United States District Judge
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